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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 THERON KENNETH HOLSTON,

12 Plaintiff,

13 v.

14 GARCIA,

15 Defendant.
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No. 2:20-CV-2466-DJC-DMC-P

ORDER

17 Plaintiff, who is proceeding pro se, brings this civil rights action under 42 U.S.C.
18 § 1983. Pending before the Court is Plaintiff's motion, ECF No. 61, for an extension of time to
19 file an opposition to Defendant's motion for summary judgment. Also before the Court is
20 Plaintiff's motion, ECF No. 68, for leave to file a supplemental opposition brief.

21 In his motion, Plaintiff states that he did not receive a copy of Defendant's motion
22 because, at the time it was served, he was receiving mail at a business that was undergoing
23 renovations. As a result, Plaintiff's mail was either misplaced or misdirected for a time. The
24 Court finds good cause to grant Plaintiff an extension of time even though his motion was filed
25 after expiration of the deadline to oppose Defendant's motion. Good cause also appearing
26 therefor, the Court will permit Plaintiff to file a supplemental opposition. Defendant will be
27 provided an opportunity to respond to Plaintiff's opposition briefs.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for an extension of time, ECF No. 61, is GRANTED.
2. Plaintiff's declaration, ECF No. 63, statement, ECF No. 64, and opposition brief, ECF No. 65, are deemed timely.
3. Plaintiff's motion for leave to file a supplemental opposition, ECF No. 68, is GRANTED.
4. Plaintiff may file a supplemental opposition within 30 days of the date of this order.
5. Defendant may file a reply to Plaintiff's statement and opposition brief(s) within 14 days of expiration of the time provided herein for the filing of a supplemental opposition brief.
6. The Clerk of the Court is directed to terminate ECF Nos. 61 and 68 as pending motions.

Dated: October 12, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE